

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brandon Ehlis, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

DAP Products, Inc.,

Defendant.

Case No. 20-cv-01872-PJS-ECW

DECLARATION OF LISA AUSTIN

I, Lisa Austin, state as follows:


1. I am over 18 years of age. I have personal knowledge of and am competent to testify as to the matters set forth herein.
2. I have been the Corporate Paralegal at DAP since May 2018.
3. My responsibilities as Corporate Paralegal include receiving and processing correspondence for the Legal Department.
4. Incoming mail is delivered to DAP's Office Services Department.
5. Office Services typically processes mail the same day it is delivered to them, though, given the abbreviated hours they are currently working, they occasionally process mail that was delivered the day before.
6. Office Services sends all letters addressed to the Legal Department, or any that even look "legal" in nature, to the Legal Department mailbox. Mail is delivered to the Legal Department the same day Office Services processes it.
7. During the COVID-19 pandemic I check mail once or twice per week. Once I receive a letter, I immediately scan it to our computer system.

8. The July 28, 2020 letter from David Goodwin to DAP *Re: Claims of Brandon Ehlis under Minnesota and Maryland Law for Breach of Warranty* (“Ehlis Letter”) was scanned at 2:46 p.m. on August 21, 2020.

9. Based on my scan activity, I can see that prior to the afternoon of August 21, I last checked the mail on August 17, 2020, and can confirm the Ehlis Letter had not been received by the Legal Department as of that date.

10. The Ehlis Letter was therefore received by the Legal Department between August 18, 2020 and early in the afternoon of August 21, 2020. Allowing for the possibility that Office Services received the letter the day before delivering it means that DAP received the Ehlis Letter between August 17, 2020 and August 21, 2020.

I, Lisa Austin, declare under penalty of perjury that the foregoing is true and correct. Executed on January 4, 2021.



Lisa Austin